



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829
James R. Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

October 20, 2010

CERTIFIED MAIL # 7001 2510 0002 5281 5524
RETURN RECEIPT REQUESTED

Phone: 217-782-9289
TDD: 217-782-9143



Robinson Bradshaw and Hinson
Attn: Messrs. William W. Toole and Daniel B. Vorhaus
101 North Tryon Street
Suite 1900
Charlotte, North Carolina 28246

RE: NOTICE OF INCOMPLETENESS OF CLAIM TO BE EXEMPT FROM
PUBLIC DISCLOSURE
1198010003--Madison
Hartford--Estate of Chemetco
Compliance

Dear Messrs. Toole and Vorhaus,

The Illinois Environmental Protection Agency (Illinois EPA) has determined that your claim identified as **Response to CERCLA 104(e) Information Request (CommScope, Inc.)** dated May 23, 2008, as "**EXEMPT/CONFIDENTIAL BUSINESS INFORMATION**" (in-whole or in-part), and therefore is not subject to disclosure under the Freedom of Information Act ("FOIA") 2 (5 ILCS 140/1 et seq.), is incomplete.

Required Elements for a Complete Claim that Public Records are Exempt from Disclosure

Pursuant to 2 Ill. Adm. Code Section 1828.401, several elements are required for a claim of exemption from public disclosure for public records submitted to the Illinois EPA. These requirements, contained in Section 1828.401, are listed below:

Section 1828.401 Claims By Submitters That Public Records Are Exempt From Disclosure

- a) A claim that a public record is exempt from public disclosure pursuant to Section 1828.202 must be made at the time of submittal of the public record.
- b) A claim that a public record is exempt from public disclosure must include:
 - 1) A claim letter, stating that the public record is exempt from public disclosure pursuant to Section 1828.202, identifying all exemptions that apply, and briefly describing the public record;

RELEASE

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760
Elgin • 595 S. State, Elgin, IL 60123 • (847) 608-3131
Bureau of Land - Peoria • 2620 N. University St., Peoria, IL 61614 • (309) 693-5462
Collinsville • 2009 Main Street, Collinsville, IL 62234 • (618) 346-5120

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000
Peoria • 5415 N. University St., Peoria, IL 61614 • (309) 693-5463
Champaign • 2125 S. First St., Champaign, IL 61820 • (217) 278-5600
Marion • 2309 W. Main St., Suite 116, Marion, IL 62954 • (618) 993-7200

- 2) A justification for the claim, including:
 - A) If the public record is a subsequent version of a public record previously granted exempt status by the Agency, a certified statement indicating:
 - i) The date of submission of the previous record;
 - ii) That the previous justification remains applicable to the current submission;
or
 - B) If the submittal is not a subsequent version of a public record previously granted exempt status by the Agency, the following information:
 - i) Measures taken by the submitter to prevent disclosure of the public record;
 - ii) The rights of privacy, if any, that might be an unwarranted invasion of personal privacy by disclosure of the public record;
 - iii) The competitive value, if any, of the public record to the submitter; and
 - iv) Any other information that will support the claim for exemption from disclosure;
 - 3) A copy of the public record, marked in accordance with the requirements of subsection (c) of this Section; and
 - 4) If the submitter is currently a party in a proceeding before the Board or a court in which the information is relevant to the issues, the title of the proceeding, docket number, and if applicable, identification of the court.
- c) The submitter must mark a public record or portions thereof claimed exempt from disclosure as follows:
- 1) Where the public record is claimed to be exempt from disclosure in its entirety, mark the public record with the words *Public Record Claimed Exempt* in red ink on the face or front of the public record. If submitted in electronic format, the public record must be clearly marked in bold at the top or front of the public record with the words *Public Record Claimed Exempt*; or
 - 2) Where less than the entire public record is claimed to be exempt from public disclosure:

- A) Mark the public record with the words *Public Record Claimed Exempt-in-Part* in red ink on the face or front of the public record. If submitted in electronic format, the public record must clearly marked in bold at the top or front of the public record with the words *Public Record Claimed Exempt-in-Part*;
- B) Indicate on the face or beginning of the public records which portion of the public record is claimed to be exempt from disclosure;
- C) Mark every portion of the public record which is claimed to be exempt from disclosure with the words *Public Record Claimed Exempt*; and
- D) Furnish the Agency with a second copy of the public record that is marked in accordance with (A) and (B) of this subsection and from which the portion of the public record that is claimed to be exempt from disclosure is deleted.

Deficiencies of Claim

The following deficiencies were found in your claim of exemption from public disclosure:

Section 1828.401(b)(1) A claim that a public record is exempt from public disclosure pursuant must include a claim letter, stating that the public record is exempt from public disclosure pursuant to Section 1828.202, identifying all exemptions that apply and briefly describing the public record.

Section 1828.401(b)(2)(B) If the submittal is not a subsequent version of a public record previously granted exempt status by the Agency, the following information is applied:

Section 1828.401(b)(2)(B)(i) Measures taken by the submitter to prevent disclosure of the public record:

Section 1828.401(b)(2)(B)(ii) The rights of privacy, if any, that might be invaded by the disclosure of the public record;

Section 1828 401(b)(2)(B)(iii) The competitive value, if any, of the public record to the submitter; and

Section 1828.401(b)(2)(B)(iv) Any other information that will support the claim for exemption from disclosure.

You have an opportunity to correct the deficiency or deficiencies listed above within ten (10) business days of the date of this notification letter. If you fail to correct the deficiency or deficiencies listed above within ten (10) business days of the date of this notification letter, your claim will be denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael E. Dura". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael E. Dura
Legal Investigator
Records Management Unit
Planning & Reporting Section
Bureau of Land

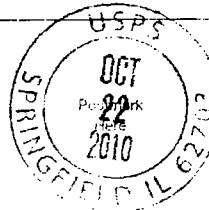
MD/med

cc: Bureau of Land File

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Robinson Bradshaw and Hinson
 Attn: Messrs. William W. Toole and
 Daniel B. Vorhaus
 101 N Tryon St. Suite 1900
 Charlotte, NC 28246

PS Form 3800, January 2001

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1. Article Addressed to:

Robinson Bradshaw and Hinson
 Attn: Messrs. William W. Toole and
 Daniel B. Vorhaus
 101 N Tryon St. Suite 1900
 Charlotte, NC 28246

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